

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 10, 2000

DIVISION TWO

B128627 People (Not for Publication)
v.
White

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Mallano, J. (Assigned)

B126872 People (Not for Publication)
v.
Smith

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Mallano, J. (Assigned)

B124868 People (Not for Publication)
v.
Amaya

The Court:

The judgment is modified to impose a parole revocation fine of \$5,000 pursuant to Penal Code section 1202.45, that fine to be suspended unless appellant's parole is revoked, and the abstract of judgment is to be amended to so reflect. In all other respects, the judgment is affirmed.

Boren, P.J., Nott, J., Mallano, J. (Assigned)

DIVISION TWO (Continued)

January 10, 2000-Continued

B130696 Almanza (Not for Publication)
v.
Safeco Insurance Company of America

The order denying the motion to set aside the judgment of dismissal is reversed. The matter is remanded to the trial court for further proceedings. Appellants are entitled to costs on appeal.

Boren, P.J.

We concur: Cooper, J.
Mallano, J. (Assigned)

DIVISION FIVE

B125271 Spirit of The Sage Council et al. (Not for Publication)
v.
Community Redevelopment Agency of City of Los Angeles
Roman Catholic Archbishop of Los Angeles

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Armstrong, J.
 Grignon, J.

B132032 Amanda Kath et al. (Not for Publication)
v.
Kenneth Walker et al.

The judgment is affirmed. Appellants are to bear respondents' costs on appeal.

Grignon, J.

We concur: Armstrong, J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B124032 Amanda Kath et al. (Not for Publication)
B134310 v.
Kenneth Walker et al.

The orders of June 2, 1998, denying Jones's petition for an injunction and July 13, 1998, awarding attorney's fees, are affirmed. The appeals from the orders of June 2, 1998, granting Ted and Monica Hirschberger's, Paul Hellerman's, and Stanberry's petition for injunction, and June 1, 1999, extending such injunction, are dismissed as moot. Appellants are to bear respondents' costs on appeal.

Grignon, J.

We concur: Armstrong, J.
Godoy Perez, J.

B123998 Myrna Anderson (Not for Publication)
v.
Thomas Anderson

Husband's appeal is dismissed. The order denying the motion for appointment of a receiver is affirmed. The parties are to bear their own costs on appeal.

Grignon, J.

We concur: Turner, P.J.
Godoy Perez, J.

B134656 The People (Not for Publication)
v.
Marvin McCarthy

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
Godoy Perez, J.

January 10, 2000-Continued

DIVISION FIVE (Continued)

B130791 The People (Not for Publication)
v.
Truong

The judgment is affirmed.

Gringon, J.

We concur: Turner, P.J.
 Armstrong, J.

B133693 The People (Not for Publication)
v.
Ricardo R.

The judgment is affirmed.

Gringon, J.

We concur: Godoy Perez, J.
 Armstrong, J.

B121136 Fabio Nor
v.
Joanne Nor

Filed order denying petition for rehearing.

DIVISION SIX

B128443 Schwartz (Not for Publication)
v.
Investec Const, Inc.

The judgment is reversed. Costs on appeal are awarded to appellants.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B129854 People v. Smith (Not for Publication)

The judgment is modified to reflect a \$200 restitution fine (section 1202.4, subd. (b)) and a \$200 parole revocation fine (section 1202.45). The clerk of the superior court is directed to prepare and forward to the Department of Corrections an amended abstract of judgment reflecting these fines. As modified, the judgment is affirmed.

Abbe, J. (Assigned)

We concur: Yegan, Acting P.J.
Coffee, J.

DIVISION SEVEN

B132939 People (Not for Publication)
v.
Dwayne D.

The order under review is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
Neal, J.

DIVISION SEVEN (Continued)

B126181 Ozark Corporation (Not for Publication)
 v.
 2000 Antelope Valley Investment

The judgment is affirmed. Respondent to recover costs on appeal.

Woods, J.

I concur: Neal, J.
I concur: Johnson, Acting P.J. (Opinion)

B120623 People v. Pierce (Not for Publication)
B123654 In re Pierce on Habeas Corpus

The petition for writ of habeas corpus is granted and the petitioner's sentence is vacated. This matter is remanded for new competency proceedings, during which Pierce's current competency to be sentenced must be determined.

Woods, J.

We concur: Lillie, P.J.
 Neal, J.

B130602 People (Not for Publication)
 v.
 Ortiz

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
 Neal, J.

DIVISION SEVEN (Continued)

B128985 People (Not for Publication)
v.
Nashika J., a minor

The order under review is reversed and the cause is remanded for further proceedings in accordance with the views expressed in this opinion.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.

B127374 Johnson (Not for Publication)
v.
Emerick

The order under review is reversed. Respondent to bear his own costs on appeal. Appellant's costs to be borne by his counsel.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

B119503 California Housing Counsel (Not for Publication)
v.
City of Malibu

The judgment is affirmed. Respondent shall recover its costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

DIVISION SEVEN (Continued)

B125155 People v. Watts (Not for Publication)
B132157 In re Watts on Habeas Corpus

The judgment is affirmed. The petition for writ of habeas corpus is denied.

Johnson, J.

We concur: Lillie, P.J.
 Neal, J.

B130308 People (Not for Publication)
 v.
 Medina

The judgment is modified to grant appellant 236 days of Penal Code section 2900.5 credit, consisting of 158 days of custody credit and 78 days of conduct credit. In all other respect, the judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
 Woods, J.

B124219 People (Not for Publication)
 v.
 Farley

Appellant Fleming's sentence is vacated and the case is remanded for resentencing so that the trial court may exercise its discretion with regard to whether appellant should be sentenced concurrently or consecutively on his several convictions. The sentence on appellant Farley's conviction for shooting at an occupied vehicle is stayed pursuant to Penal Code section 654. In all other respects, the judgments are affirmed.

Neal, J.

We concur: Lillie, P.J.
 Woods, J.

January 10, 2000-Continued

DIVISION SEVEN (Continued)

B120559 People (Not for Publication)
v.
Gomez

The judgment is affirmed.

Neal, J.

We concur: Johnson, Acting P.J.
 Woods, J.

B122220 People (Not for Publication)
v.
Morales

The judgment is modified to stay the terms imposed for counts 1 and 3, and affirmed as modified.

Neal, J.

We concur: Johnson, Acting P.J.
Woods, J.